

**REMARKS**

On June 6, 2006, Applicant's representative contacted the Examiner regarding the finality of the Office Action mailed May 25, 2006. On page 2, paragraph 1, of the Office Action, the Examiner states “[t]his document is a Final Office Action on the merits.” Applicant respectfully disagrees. As stated in M.P.E.P. § 706.07(b), “it would not be proper to make final a first Office action in a continuing...application where that application contains material which was presented in the earlier application after final rejection...but was denied entry because (A) new issues were raised that required further consideration and/or search...” In the Advisory Action mailed November 2, 2005, the Examiner denied entry of the proposed amendments filed in the Amendment After Final on October 14, 2005, because the proposed amendments “raise[d] new issues that would require further consideration and/or search.” Accordingly, Applicant believes the finality of the outstanding Office Action is improper and is a typographical error. Applicant respectfully requests that the Examiner clarify this discrepancy in the next communication.

In the Office Action<sup>1</sup> the Examiner objected to claims 1 and 4; rejected claims 1, 3, 4, and 6 under 35 U.S.C. § 103(a) as being unpatentable over *Huffman et al.* (U.S. Patent No. 5,663,748); rejected claims 2 and 5 under 35 U.S.C. § 103(a) as being unpatentable over *Huffman* in view of *Hastings et al.* (U.S. Patent No. 5,885,012); and objected to claims 7-10 as being dependent upon a rejected base claim but allowable if

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<sup>1</sup> The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, Applicant amends claims 1 and 4 to better define the claimed invention, adds new claims 11-14, and cancels claims 7 and 9, without prejudice or disclaimer. Claims 1-6, 8, and 10-14 are pending. Of these claims, claims 1, 4, and 11 are independent.

The Examiner objected to claims 1 and 4. Applicant has amended claims 1 and 4 as suggested by the Examiner and respectfully requests that the objection to claims 1 and 4 be withdrawn.

Applicant respectfully traverses the rejection of claims 1, 3, 4, and 6 under 35 U.S.C. § 103(a) as being unpatentable over *Huffman*.

Although Applicant disagrees with the rejection, to advance the prosecution of this application, Applicant has amended independent claim 1 to include the feature of allowable claim 7 and has amended independent claim 4 to include the feature of allowable claim 9. Accordingly, *Huffman* fails to disclose or suggest each and every element of independent claims 1 and 4 and claims 3 and 6 that depend therefrom.

Applicant respectfully traverses the rejection of claims 2 and 5 under 35 U.S.C. § 103(a) as being unpatentable over *Huffman* in view of *Hastings*. Claims 2 and 5 are allowable for at least for the same reason as claim 1.

In addition, new independent claim 11 and dependent claims 12-14 are allowable for at least the same reason as independent claim 1.

Applicant therefore respectfully submits that claims 1-6, 8, and 10-14 are in condition for allowance. Applicant therefore requests reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 10, 2006

By: 

Michael R. Kelly  
Reg. No. 33,921